

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF OHIO
WESTERN DIVISION

_____)	
MARJORIE FERRELL, <i>et al.</i> ,)	Civil Action No. C-1-01-447
)	
Plaintiffs,)	Judge Sandra S. Beckwith
)	Magistrate Judge Timothy S. Hogan
v.)	
)	
WYETH-AYERST LABORATORIES,)	
INC., <i>et al.</i> ,)	
)	
Defendants.)	
_____)	

**MOTION BY COUNSEL FOR PLAINTIFF MARILYN DEYO
TO REFUND FEE PAID BY OUT OF STATE COUNSEL
TO BE ADMITTED PRO HAC VICE**

Counsel for Plaintiff Marilyn Deyo hereby moves the Court for the entry of an Order refunding the fee paid by out of state counsel to be admitted pro hav vice.

Dated: April 29, 2005

s/Richard S. Wayne
Richard S. Wayne Attorney Bar Number 0022390
s/William K. Flynn
William K. Flynn Attorney Bar Number 0029536
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*Counsel to Plaintiff and the Putative Class in
Deyo v. Wyeth, Docket No. 735-12-04 Wncv in
Washington Superior Court, Washington County,
Vermont*

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Defendants.)	
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**MEMORANDUM IN SUPPORT OF MOTION
TO REFUND FEE PAID BY OUT OF STATE COUNSEL**

Motions to Admit Counsel Pro Hac Vice were filed by attorneys James F. Conway, III, Dennis J. Johnson and Jacob B. Perkinson on January 12, 2005 (Docket Nos. 112, 113 and 114). Attorneys Conway, Johnson and Perkinson represent Vermont Plaintiff Marilyn Deyo. The Court has not ruled on these Motions.

By an Order of the Court dated March 1, 2005, the Court denied Plaintiff Marilyn Deyo's motion to intervene in this action (Docket No. 120). As a result of the Court's March 1, 2005 Order, attorneys Conway, Johnson and Perkinson Motions to Admit Counsel Pro Hac Vice are now moot.

For the foregoing reason, Counsel requests that the fee paid by attorneys Conway, Johnson and Perkinson be refunded. A copy of a proposed Order is being submitted to the Court.

Dated: April 29, 2005

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CERTIFICATE OF SERVICE

I hereby certify that a copy of the foregoing has been filed electronically with the U.S. District Court; has been sent electronically this 29th day of April, 2005. Notice of this filing will be sent to all parties by operation of the Court's electronic filing system. Parties may access this filing through the Court's system. If a party is not given notice electronically through the Court's system a copy will be served by ordinary United States mail, first class postage prepaid, this 29th day of April, 2005.

s/Richard S. Wayne
Richard S. Wayne Attorney Bar Number 0022390

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